

## REMARKS

By this amendment, claims 17-20 have been canceled. Claims 1-3 and 13 have been amended. Claims 1-16 remain in the application. Support for the amendments can be found the specification and drawings, as originally filed, and as indicated herein below. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, withdrawal of the final action, and allowance of the application, as amended, is respectfully requested.

### **Rejection under 35 U.S.C. §101**

Claims 1-21 were rejected to under 35 U.S.C. §101 as being directed to non-statutory subject matter. With respect to claims 17-21, the same have been canceled herein, thus rendering the rejection thereof now moot. With respect to claims 1-16, applicants respectfully traverse this rejection for at least the following reasons. As presented herein, claims 1 and 13 have been amended, as appropriate, to show transformation or reduction of subject matter to a different state of thing, and thus now renders the same as being directed to statutory subject matter. For example, independent claims 1 and 13 are respectively directed to methods, implemented via an encoder, of audio encoding a data stream signal. Frames of audio and video data are received via an input data stream signal. The audio data of the input data stream signal is encoded, and a data stream signal that carries the encoded audio and video data is output. Thus, as presented, the claims do not merely manipulate an abstract idea, as alleged by the Office Action. The rejection of claims 1 and 13, as well as claims (2-12) and (14-16) which depend respectively there from, is now believed overcome.

Claims 1-16 were rejected to under 35 U.S.C. §101 as not falling within one of the four statutory categories of invention. This rejection is respectfully traversed for at least the following reasons. As presented herein, claims 1 and 13 are each directed to a method, *implemented via an encoder*, of audio encoding a *data stream signal* and includes steps of receiving audio and video data, via an *input data stream signal*,

encoding, *via the encoder*, audio data (audio samples) of the input data stream signal, and outputting a *data stream signal* that carries the encoded audio and video data. The method of claims 1 and 13 show a transformation by receiving an input data stream signal of audio and video data, encoding the audio data (audio samples) of the input data stream signal, and outputting a data stream signal that carries encoded audio and video data. Accordingly, the transformation renders the same as being directed to statutory subject matter. The rejection of the claims 1 and 13, as well as claims (2-12) and (14-16) which depend respectively from claim 1 and 13, is now believed overcome.

### **Rejection under 35 U.S.C. §112**

Claims 17-21 were rejected to under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is mostly connected, to make and/or use the invention. By this amendment, claims 17-21 have been canceled, thus rendering the rejection thereof now moot.

### **Rejection under 35 U.S.C. §102**

Claim 1 recites a method, implemented via an encoder, of audio encoding a data stream signal that carries audio and video data, including:

receiving audio and video data, via an input data stream signal;

encoding, via the encoder, the audio data of the input data stream signal, for an integer number of  $N$  audio frames of the audio data, to have a mean effective audio frame length  $\bar{F}$  that equals a video frame length  $\frac{1}{f_v}$  over an integer number of  $M$  frames of a sequence of video data, where  $f_v$  equals a video frame rate of the video data, wherein the encoding includes varying effective audio frame lengths  $F$  of the audio frames per a respective audio frame index  $j$  in a defined sequence of effective audio frame lengths  $F(j)$  for the sequence of

$M$  frames of video data, wherein each respective audio frame, index  $j$ , has a structure that includes (i) a number of blocks in a head overlap  $H(j)$ , (ii) a number of blocks in a tail overlap  $T(j)$ , and (iii) a number of blocks in between the head overlap and the tail overlap equal to a total number of blocks in the audio frame  $k$  minus the quantity of the sum of the head overlap  $H(j)$  plus the tail overlap  $T(j)$ , further wherein the head overlap comprises a length of only (a) overlap  $O$  or (b) overlap  $O+1$  long, which enables each audio frame to be tagged via a 1-bit tag to indicate its size and differentiate between short and long audio frames, and wherein each block of the audio frame is tagged via a 1-bit tag to indicate its redundancy so as to differentiate redundant and non-redundant blocks of the respective frame; and

outputting a data stream signal that carries encoded audio and video data, wherein the output data stream signal can be spliced at each video frame of the sequence of  $M$  video frames without degradation to audio information of the audio data of corresponding audio frames.

As presented herein, Claim 1 has been amended to more clearly articulate the novel and non-obvious distinct features thereof. Support for the amendments to claim 1 (as well as for claims 13) can be found in the specification at least on page 16, lines 17-18, page 17, lines 1-6 and 10-26; page 19, lines 1-5; and Figures 2-7.

Claims 1-4, 13-15, and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by Fielder et al. (US 6,226,608, hereinafter referred to as "**Fielder**"). With respect to claim 17, the same has been canceled herein, thus rendering the rejection thereof now moot. With respect to claim 1, applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that  
*"[t]o anticipate a claim, the reference must teach every  
element of the claim...."*

Therefore, with respect to claim 1, to sustain this rejection the **Fielder** reference must contain all of the above claimed elements of the respective claim. However, contrary to the examiner's position that all elements are disclosed in the **Fielder** reference, the latter reference does not disclose "encoding ... audio data ... for an integer number of  $N$  audio frames of the audio data, to have a mean effective audio frame length  $\bar{F}$  that equals a video frame length ... over an integer number of  $M$  frames of a sequence of video data ... wherein the encoding includes varying effective audio frame lengths  $F$  of the audio frames per a respective audio frame index  $j$  in a defined sequence of effective audio frame lengths  $F(j)$  for the sequence of  $M$  frames of video data, wherein each respective audio frame, index  $j$ , has a *structure* that includes (i) a number of blocks in a *head overlap*  $H(j)$ , (ii) a number of blocks in a *tail overlap*  $T(j)$ , and (iii) a number of blocks in between the head overlap and the tail overlap equal to  $(k - [H(j) + T(j)])$  a *total number of blocks* in the audio frame  $k$  minus the quantity of the sum of the head overlap  $H(j)$  plus the tail overlap  $T(j)$ , ... the *head overlap* comprises a length of only (a) *overlap*  $O$  or (b) *overlap*  $O+1$  long ... each *audio frame* ... tagged via a 1-bit tag to indicate its size and differentiate between short and long audio frames, and ... each block ... audio frame ... tagged via a 1-bit tag to indicate its redundancy so as to differentiate redundant and non-redundant blocks of the respective frame" [*emphasis added*] as is claimed in claim 1. Therefore, the rejection is not supported by the **Fielder** reference and should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Claims 2-4 depend from and further limit independent claim 1 and therefore are allowable as well. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

With respect to claim 13, the same has been amended herein in a similar manner as with respect to the amendment to claim 1. Claim 13 is believed allowable over the **Fielder** reference for the reasons stated herein above with respect to overcoming the rejection of claim 1. Accordingly, claim 13 is allowable and an early formal notice thereof is requested. Claims 14 and 15 depend from and further limit independent claim 13 and therefore are allowable as well. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

### **Rejection under 35 U.S.C. §103**

Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fielder et al. (U.S. Patent 6,226,608, hereinafter referred to as "**Fielder**"). By this amendment, claim 18 has been canceled, thus rendering the rejection thereof now moot.

Claims 16 and 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fielder et al. (U.S. Patent 6,226,608, hereinafter referred to as "**Fielder**") in view of Murakami et al. (U.S. Patent 5,930,251, hereinafter referred to as "**Murakami**"). By this amendment, claims 16 and 19-21 have been canceled, thus rendering the rejection thereof now moot.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1 and 13 are in condition for allowance. Claims 2-12 depend from and further limit independent claim 1 and therefore are allowable as well. Claims 14-16 depend from and further limit independent claim 13 and therefore are allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-16 is requested.

Respectfully submitted,

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